

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Kurt Ballou, George T. Roberts, Kristian J. Dimatteo and Adrian C. Ravenscroft
Application No.:	Not Assigned
Filed:	Not Assigned
For:	Flexible Metal Wire Stent
Group Art Unit:	Not Assigned

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: S63.2N-6072-US03

INFORMATION DISCLOSURE STATEMENT

Listed below or on an attached form listing the cited references and/or a copy of a PTO-892 form is information known to applicant(s). A copy of each listed publication, U.S. patent, foreign patent and U.S. patent application is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98, *except that* U.S. applications from which priority is claimed under 35 U.S.C. §120, and documents cited in such priority applications, may be omitted from the enclosures pursuant to 37 C.F.R. 1.98(d). Applicant's submission of copies of U.S. applications does not constitute a waiver of the confidentiality of such applications. As such, **Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.**

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If the form listing the cited references or PTO-892 from a prior application is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is prior art, or is or is considered to be, material to patentability as defined in §1.56.

Applications that are listed on the accompanying form listing the cited references as related by priority are related by priority claim under 35 USC §120. Pursuant to 37 CFR §1.98(d), no copies of cited art in a previous application(s) to which priority was claimed need be submitted. Applicant is providing copies of the form listing the cited references and/or 892 forms from these cases.

 X I. This statement qualifies as a no-fee Information Disclosure Statement under 37 C.F.R. §1.97(b) or otherwise because to the knowledge of the undersigned attorney it is being filed (check all that apply):

- X (1) within 3 months of the filing date of the application (other than a CPA); or
- (2) within 3 months of entry of the national stage; or
- X (3) before the mailing of a first Office Action on the merits;
- (4) before the mailing of a first Office Action after the filing of a request for continued examination (RCE) under §1.114;
- (5) as part of a continued prosecution application (CPA); or
- (6) during the period of a suspension of action for a CPA under 37 C.F.R. §1.103(b).

 II. This statement is believed to require a fee or the submission of a certification under 37 C.F.R. §1.97 (c) or otherwise. If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application (other than CPA); (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; (3) the mailing of a first Office Action on the merits; (4) the mailing of a first Office Action after the filing of a request for continued examination under §1.114; or (5) after the filing of a request for a continued prosecution application, but before the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311 or an action that otherwise closes prosecution in the application, then:

- (1) a certification as specified in §1.97(e) is provided below; or
- (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

_____ **III. 37 C.F.R. §1.97(d).** If this statement is being filed after the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, but before payment of the issue fee, then:

- _____ (1) a certification as specified in §1.97(e) is completed below; and
- _____ (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with payment of other papers filed together with this statement.

X **IV. Fee Authorization.** If any fee is due for consideration of this Information Disclosure Statement and full payment has not been submitted herewith, regardless of which boxes have been checked above, the Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 22-0350. The Commissioner is hereby authorized to credit any overpayment associated with this communication to Deposit Account No. 22-0350.

If paragraph II.1 or III is checked, also check one of the paragraphs below

_____ I hereby certify, under 37 CFR §1.97(e)(1), that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the date of the filing of this information disclosure statement.

_____ This communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

_____ I hereby certify, under 37 CFR §1.97(e)(2), that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

For the purpose of this certification, Applicant considers the PCT International Search Authority to constitute a foreign patent office.

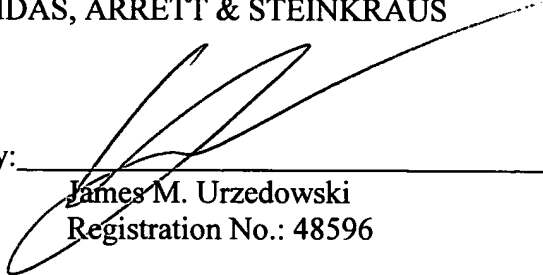
If this Information Disclosure Statement has been submitted without the appropriate box checked, Applicant requests that this Information Disclosure Statement be considered nevertheless if it is timely submitted under any of the provisions of 37 C.F.R. §1.97 or otherwise. Finally, if any petition is necessary to ensure consideration of this Information Disclosure Statement, Applicant requests that this be treated as such a petition.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: April 19, 2004

By: _____


James M. Urzedowski
Registration No.: 48596

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001
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UNPUBLISHED US APPLICATIONS NOT RELATED BY PRIORITY (COPIES ENCLOSED)		ATTY DOCKET NO.: S63.2N-6072-US03		APPLICATION NO. Not Assigned	
		APPLICANT: Kurt Ballou, George T. Roberts, Kristian J. Dimatteo and Adrian C. Ravenscroft			
		FILING DATE: Not Assigned		GROUP: Not Assigned	
UNPUBLISHED US APPLICATIONS NOT RELATED BY PRIORITY					
EXAM'S INIT.		APPLICATION NO.	FILING DATE	INVENTOR(S)	
	DA				
	DB				
	DC				
	DD				
	DE				
EXAMINER				DATE CONSIDERED	
EXAMINER: Initial if application considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					

US APPLICATIONS RELATED BY PRIORITY (COPIES NOT ENCLOSED)		ATTY DOCKET NO.: S63.2N-6072-US03		APPLICATION NO. Not yet assigned		
		APPLICANT: Kurt Ballou, George T. Roberts, Kristian J. Dimatteo and Adrian C. Ravenscroft				
		FILING DATE: Concurrently herewith		GROUP: Not yet assigned		
US APPLICATIONS REALTED BY PRIORITY						
EXAM'S INIT		APPLICATION NO.	FILING DATE	PATENT NO.	INVENTOR(S)	FORM 1449/892 ENC
	EA	09/587,942	06/06/00	6,723,118	Ballou et al.	X
	EB	08/942,162	10/01/97	6,071,308	Ballou et al.	X
	EC					
	ED					
	EE					
	EF					
EXAMINER				DATE CONSIDERED		
EXAMINER: Initial if application considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.						

Notice of References Cited	Application/Control No. 09/587,942		Applicant(s)/Patent Under Reexamination DIMATTEO ET AL.	
	Examiner Bruce E Snow		Art Unit 3738	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,591,197	01-1997	Orth et al	623/1
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Notice of References Cited	Application/Control No. 09/587,942	Applicant(s)/Patent Under Reexamination BALLOU ET AL.	
	Examiner Choon P. Koh	Art Unit 3738	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification	
	A	US-5,868,781	02-1999	Killion	62--	1.15
	B	US-				
	C	US-				
	D	US-				
	E	US-				
	F	US-				
	G	US-				
	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification	
	N						
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	R						
	S						
	T						

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	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

FORM PTO-1449 (Modified) LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				ATTY DOCKET NO.: S63.2-9025		Application No.: 09/587942	
				APPLICANT: BALLOU ET AL			
				FILING DATE: 6 JUNE 2000		GROUP: 3738	

REFERENCE DESIGNATION				U.S. PATENT DOCUMENTS			
EXAM'S INIT.	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE ~ IF APPROPRIATE	
	AA	5540712	7/30/96	KLESHINSKI ET AL	606	198	
	AB	5395390	3/7/95	SIMON ET AL	606	198	
	AC	5545210	8/13/96	HESS ET AL	606	191	
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS							
DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION		
					YES	NO	
BA	98/07386	2/26/98	WO				
BB							
BC							
BD							
BE							

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)		
CA		
CB		
CC		

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449 (Modified) INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				Atty Docket No.: S63.2-6072		Serial No.: 08/942,162	
				Applicant: Kurt Ballou; George Tom Roberts;; Kristian J. DiMatteo; Adrian C. Ravenscroft			
				Filing Date: October 1, 1997		Group: 3309	
REFERENCE DESIGNATION				U.S. PATENT DOCUMENTS			
EXAM'S INIT.		PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5,102,417	4/7/92	Palmaz	606	195	
	AB	5,104,404	4/14/92	Wolff	623	1	
	AC	5,135,536	8/4/92	Hillstead	606	195	
	AD	5,195,984	3/23/93	Schatz	606	195	
	AE	5,290,304	3/1/94	Inoue	606	191	
	AF	5,395,390	3/7/95	Simon	606	198	
	AG	5,421,955	6/6/95	Lau et al	216	48	
FOREIGN PATENT DOCUMENT OR PUBLISHED FOREIGN PATENT APPLICATION							
		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OF PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION
							YES NO
	BA	WO 96/33671	10/31/96	WO			x
	BB	WO 96/39102	12/12/96	WO			x
	BC	WO 96/41590	12/27/96	WO			x
	BD	WO 97/33534	9/18/97	WO			x
	BE	WO 97/32543	9/12/97	WO			x
	BF	WO 97/32544	9/12/97	WO			x
	BG	WO 97/41803	11/13/97	WO			x
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)							
	CA	"Experimental Intrahepatic Portacaval Anastomosis: Use of Expandable Gianturco Stents" by Josef Rosch, M. D., in <i>RADIOLOGY</i> , February, 1987, pp. 481 - 485.					
	CB	"Stenosis of the Vena Cava: Preliminary Assessment of Treatment with Expandable Metallic Stents" by Chusilp Charnsangaveg, M.D. et al in <i>RADIOLOGY</i> , Vol. 121, No. 2, February, 1987, pp. 295 - 298.					
	CC	"Expandable Intraluminal Graft: A Preliminary Study" by Julio Palmaz et al, in <i>RADIOLOGY</i> , July 1985, pp. 73 - 77.					
	CD	"Radiological Follow-Up of Transluminally Inserted Vascular Endoprostheses: An Experimental Study Using Expanding Spirals" by D. Maas et al, <i>RADIOLOGY</i> , September 1984, pp. 559 - 663.					
	CE	"Gianturco Expandable Wire Stents In the Treatment of Superior Vena Cava Syndrome Recurring After Maximum-Tolerance Radiation" by Josef Rosch, M.D., et al, in <i>CANCER</i> , Sept. 15, 1987, Vol. 60, pp. 1239 - 1246.					
EXAMINER				DATE CONSIDERED			
<small>EXAMINER: Initial citation considered. Draw line through citation if not in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</small>							

FORM PTO-1449 (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)				ATTY DOCKET NO: S63.2-6072		Serial No: 08/942,162	
APPLICANT: Kurt Ballou; George Tom Roberts; Kristian J. DiMatteo; Adrian C. Ravenscroft				FILING DATE: October 1, 1997		Group: 3309	
REFERENCE DESIGNATION U.S. PATENT DOCUMENTS							
EXAM'S ENT.	PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
AA	5,449,373	9/12/95	Pinchasik et al	606	198		
AB	5,466,242	11/14/95	Mori	606	198		
AC	5,514,178	5/7/96	Torchio	623	12		
AD	5,540,712	7/30/96	Kleshinski et al	606	198		
AE	5,545,210	8/13/96	Hess et al	623	1		
AF	5,591,197	1/7/97	Orth et al	606	198		
AG	5,653,727	8/5/97	Wiktor	606	195		
AH	5,702,419	12/30/97	Berry et al	606	198		
AI	5,725,572	3/10/98	Lam et al	623	1		
AJ	5,735,893	4/7/98	Lau et al	623	1		
AK	5,649,952	7/22/97	Lam	606	198		
FOREIGN PATENT DOCUMENT OR PUBLISHED FOREIGN PATENT APPLICATION							
DOCUMENT NUMBER	PUBICA TION DATE	COUNTRY OF PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION		
					YES	NO	
BA	WO 97/41803	11/13/97	WO		x		
BB	WO 98/05270	1/12/98	WO		x		
BC							
BD							
BE							
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)							
CA	"Tracheobronchial Tree: Expandable Metallic Stents Used in Experimental and Clinical Applications" by Michael J. Wallace et al, Vol. 158, No. 2, RADIOLOGY, February 1986, pp. 309 - 312.						
CB	"Flexible Balloon-Expanded Stent For Small Vessels" by Gerard Duprat, Jr., et al, RADIOLOGY, January 1987.						
CC	"Elastic Characteristics of the Self-Expanding Metallic Stents" by B. G. Fallone, Ph.D., INVESTIGATIVE RADIOLOGY, May 1988, Vol. 23, pp. 370 - 376.						
EXAMINER				DATE CONSIDERED			
EXAMINER: Initial citation considered. Draw line through citation if not in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

FORM PTO-1449 (Modified)				Atty Docket No.: S63.2-6072		Serial No.: 08/942,162	
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				Applicant: Kurt Ballou; George Tom Roberts;; Kristian J. DiMatteo; Adrian C. Ravenscroft			
				Filing Date: October 1, 1997		Group:3309	
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	AA						
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	AG						
FOREIGN PATENT DOCUMENT OR PUBLISHED FOREIGN PATENT APPLICATION							
		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OF PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION YES NO
	BA						
	BB						
	BC						
	BD						
	BE						
	BF						
	BG						
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)							
	CA	"Percutaneous Endovascular Graft: Experimental Evaluation" by David Lawrence, Jr., M.D., et al, in <i>RADIOLOGY</i> , May 1987, pp. 357 - 360.					
	CB	"Modified Gianturco Expandable Wire Stents In Experimental and Clinical Use" by J. Rosch et al in <i>CIRSE, Porto Cervo, Sardinia</i> , May 25 - 29, 1996.					
	CC						
	CD						
	CE						
EXAMINER				DATE CONSIDERED			
EXAMINER: Initial citation considered. Draw line through citation if not in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

FORM PTO-1449 (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)				ATTY DOCKET NO: S63.2-6072		Appl. No: S63.2-6072	
				APPLICANT: Kurt Ballou et al.			
				FILING DATE: October 1, 1997		Group: 3738	
REFERENCE DESIGNATION				U.S. PATENT DOCUMENTS			
EXAM'S INIT.		PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	DES. 380,266	6/24/97	Boatman et al.	D24	155	12/30/94
	AB	5695516	12/9/97	Fischell et al.	606	194	2/21/96
	AC	DES 380,831	7/8/97	Kavteladze et al.	D24	155	2/2/95
	AD	5354308	10/11/94	Simon et al.	606	198	5/1/92
	AE	5683411	11/4/97	Kavteladze et al.	606	200	4/6/95
	AF	5643339	7/1/97	Kvateladze et al.	623	1	8/6/95
	AG	5697971	12/16/97	Fischell et al.	623	1	6/11/96
	AH	5800519	9/1/98	Sandock	623	1	11/4/96
	AI						
	AK						
FOREIGN PATENT DOCUMENT OR PUBLISHED FOREIGN PATENT APPLICATION							
		DOCUMENT NUMBER	PUBLICAT ION DATE	COUNTRY OF PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION YES NO
	BA	97/09945	3/20/97	WO			
	BB	98/18405	5/7/98	WO			
	BC	98/07386	2/26/98	WO			
	BD	97/14375	4/24/97	WO			
	BE						
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)							
	CA						
	CB						
	CC						
EXAMINER				DATE CONSIDERED			
EXAMINER: Initial citation considered. Draw line through citation if not in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

FORM PTO-1449 (Modified) LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				ATTY DOCKET NO.: S63.2-6072		SERIAL NO.: 08/942,162	
				APPLICANT: Kurt Ballou; George T. Roberts; Kristian J. DiMatteo; Adrian C. Ravenscroft			
				FILING DATE: October 1, 1997		GROUP: 3309	

REFERENCE DESIGNATION				U.S. PATENT DOCUMENTS			
EXAM'S INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						

FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	BA	DE 40 22 956 A1	02/06/1992	Germany				X
	BB	WO 9531945 A1	11/30/1995	PCT			X	
	BC	0 335 341 A1	10/04/1989	EPO			X	
	BD	0 421 729 A2	04/10/1991	EPO			X	
	BE	0 606 165 A1	07/13/1994	EPO			X	
	BF	0 688 545 A1	12/27/1995	EPO			X	

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)			
	CA		<i>Relocatable Gianturco Expandable Metallic Stents</i> , by Toshiyuki Irie, MD. et al., <i>RADIOLOGY</i> , 1991; 178: 575-578.
	CB		PCT Search Report with a date of mailing of January 15, 1999.
	CC		

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449 (Modified)

LIST OF PATENTS AND PUBLICATIONS
FOR APPLICANT'S
INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

ATTY DOCKET NO.: S63.2-6072

SERIAL NO.: 08/942,162

APPLICANT: Kurt Ballou; George T. Roberts; Kristian J. DiMatteo; Adrian C. Ravenscroft

FILING DATE: October 1, 1997

GROUP: 3309

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAM'S INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
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FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	BA	WO 98/37833	9/3/1998	PCT			X	
	BB							
	BC							
	BD							
	BE							
	BF							

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

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EXAMINER

DATE CONSIDERED

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Notice of References CitedApplication No.
08/942,162Applicant(s)
Ballou et alExaminer
Choon P. KohGroup Art Unit
3738

Page 1 of 1

U.S. PATENT DOCUMENTS

	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
A	5,902,232	5-11-99	Schatz	623	1
B	5,879,381	3-9-99	Moriuchi et al	623	1
C					
D					
E					
F					
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FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
N						
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NON-PATENT DOCUMENTS

	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
U	The American Heritage Dictionary of the English Language, page 1469.	1976
V		
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X		